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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,641	10/04/2006	Hiroshi Shimada	045616/317570	2115
826	7590	11/14/2007		
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER WILLIAMS, JAMILA O	
			ART UNIT 3722	PAPER NUMBER
			MAIL DATE 11/14/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/599,641

Applicant(s)

SHIMADA ET AL.

Examiner

Jamila Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,12,14 and 15 is/are rejected.
- 7) ☒ Claim(s) 5-11 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10-4-06.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: Examiner's marked-up copy

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,12,14,15 are rejected under 35 U.S.C. 102(b) as being anticipated by 2,789,561 to Bonn et al (hereinafter Bonn).

Bonn discloses a binder comprising a base portion having a width direction and longitudinal direction (base 1), a ring provided on the base portion that can change in position between a closed ring position for binding a document or the like and an open position in which the closed ring is partly opened to allow for filing of a document or the like (ring 8,8' of figure 7 for example). a switching mechanism (14-17) provided on the base portion for switching between closed and open position (figures 2 illustrates closed position, figure 3 illustrates open position), wherein the ring comprises a first and second member having an end, the closed ring position being achieved when the ends are in contact with each other and the open position when the ends are spaced apart (figure 7 showing the ends in closed position) and the switching mechanism including a switching lever (16) swingably attached to the base portion and when the switching lever is swung from a state in which the ring is in the closed ring position, the first ring member and second ring member move away from each other simultaneously (embodiment of figure 7 has both rings being moved simultaneously by engagement of

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12,13,15a and 12',13',15a'), whereby an open portion is formed above a central portion with respect to the width direction (marked area figure of Bonn illustrates what the examiner considers the open portion above the central portion to be) and the switching lever passes through the open portion (between the marked lines) to come to a retracted state (figure 2 shows retracted state of lever), as recited in claim 1.

Bonn discloses the ring comprises a plurality of rings arranged along the longitudinal direction of the base portion with a space therebetween (figure 3), the switching mechanism is adapted in such a way that when each of the rings is in the open position the switching lever can pass through an open portion of each ring (broadly speaking the marked area of the attached figure can be said to encompassed an open portion of each ring), as recited in claim 2.

Bonn discloses wherein when the ring is in the open position, the switching lever passes through the open portion of the ring (as defined by the marked figure) and comes to a position opposite the position of the switching lever at the time the ring is in the closed position with respect to the ring in between, as recited in claim 12.

Regarding claim 14 see rejection 1 above.

Regarding claim 15, Bonn discloses a timing for spacing apart the ends of the ring members from each other with respect to the switching lever is a predetermined timing at which the switching lever can pass through the open portion (as defined in the marked figure).

***Allowable Subject Matter***

Claims 5-11,13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This is simply art of interest and was not used to reject any claims in this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamila Williams whose telephone number is 571-272-4431. The examiner can normally be reached on Monday-Thursday 6:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

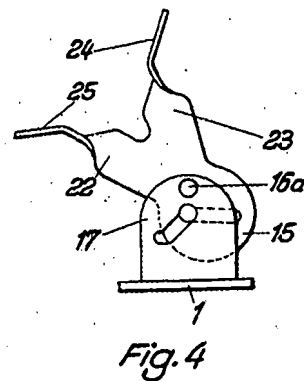
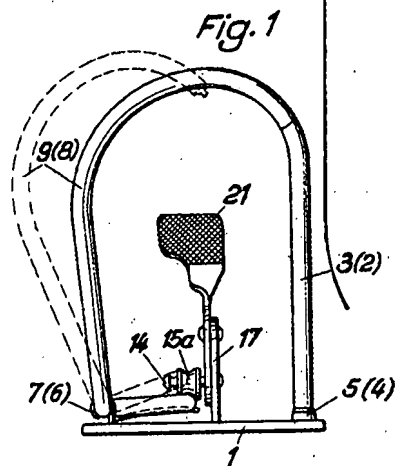
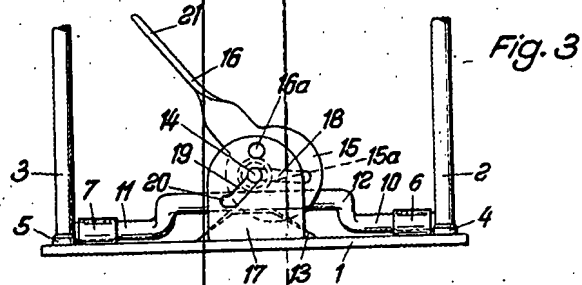
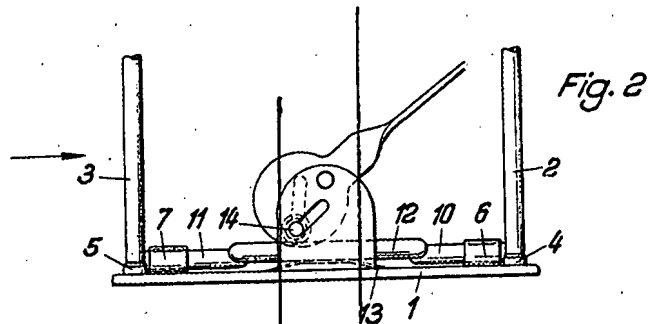
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to be 'JW', with a long horizontal flourish extending to the right.

JW 11-9-2007

2 Sheets-Sheet 1



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